

Passman Is Able To Stand Trial, Judge Declares

By Allan Frank

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Despite claims that he is suffering from brain damage, fading memory and acute depression, former Rep. Otto E. Passman, D-La., today was declared competent to stand trial by U.S. District Judge Barrington D. Parker.

Passman, who will be 78 tomorrow, faces trial on charges of bribery of a public official, receiving illegal gratuities in connection with an influence-peddling scheme involving South Korean rice broker Tongsun Park, conspiracy, and failure to report his income properly for the years 1972 and 1973.

For four days last week Parker heard testimony from medical authorities and others about whether Passman's health is so fragile that he would neither be able to attend court nor understand the case against him should he be brought to trial.

Today, the judge said that while the doctors agreed Passman's health may be failing and he is suffering the infirmities of old age, "perfect mental and physical health are not required to stand trial."

PARKER SAID THAT during medical examinations, notably those conducted by Dr. Leon Yochelson, a court-appointed neuro-psychiatrist, Passman demonstrated he is capable of reasoning, abstract thinking and understanding the charges against him.

He said Passman meets the competency tests because it is clear

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he will be able to understand the case, consult with his attorneys and follow the progress of the trial provided that there is a courtroom schedule which allows rest breaks for the defendant.

Noting that Passman has said that he may commit suicide, the judge said he felt that "the impact of legal proceedings on the defendant is not so great as to cause a substantial risk of self-destruction."

Parker said Passman was sensitive to even the nuances of the proceedings throughout the competency hearings.

FOLLOWING THE ruling, Passman was released on personal recognizance bail and ordered to turn over his passport to officials.

Passman was indicted March 31 on seven counts of bribery, accepting illegal gratuities and conspiracy and on April 28 on two counts of income tax evasion. The IRS claims Passman owes \$77,941 in taxes on \$143,000 he received from Park and failed to report on his tax returns.

Both sets of charges were related to allegations that Passman took \$213,000 from Park in exchange for helping the Korean's rice brokerage business.

No date has been set for the trial.

In testimony given to U.S. Senate investigators in Seoul earlier this year, Park claimed he had an informal arrangement from 1972 through 1975 to give Passman \$50,000 annually to use his influence with the South Korean government to main-

tain Park's position as that government's rice purchasing agent in the United States.

During the time Passman allegedly received \$213,000 from Park, the veteran congressman was chairman of the foreign affairs subcommittee of the House Appropriations Committee.

AS CHAIRMAN, PASSMAN is alleged to have pressured South Korean and U.S. government officials on Park's behalf.

Passman has repeatedly denied having accepted any money from Park. "I have never received a dime from Mr. Park or any one foreign national," Passman has told interviewers.

James Hamilton, chief attorney for the defense, argued last week that Passman is senile, hard of hearing, a victim of brain disease and is emotionally over-wrought and contemplating suicide. Hamilton said his client could not possibly assist in his own defense or even comprehend the charges against him and the proceedings of a trial.

But attorneys from the public integrity section of the Justice Department argued that while Passman is somewhat infirm, he is competent to stand trial, provided the court schedule is abbreviated to allow Passman daily rest and the opportunity to review the progress of the case.

Passman has been treated at the Truro Infirmary in New Orleans several times this year for what he on one occasion described as a state of being "completely exhausted, mentally, physically and emotionally."

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